

A3 ✓  
63. (New) A method of claim 49, wherein a milk produced by the ruminant fed the microorganism has a higher percent of fat when compared to a milk produced by the ruminant when it is not fed the isolated microorganism.

Sub B1 ✓  
64. (New) A method of claim 49, wherein a milk produced by the ruminant fed the microorganism has a substantially greater percent of solids-non-fat when compared to a milk produced by the ruminant when it is not fed the isolated microorganism.

---

REMARKS

This preliminary amendment is submitted along with an election in response to the restriction requirement, to round out the scope of coverage sought by applicant. This preliminary amendment also corrects typographical errors found in claims 4 and 7. The application is believed to be in condition for examination, and such action is earnestly requested.

Preliminary Amendment  
Serial No. 09/912,049 by Rehberger et al.  
Page 7

No fees are believed to be payable with the submission of this amendment. However, the Director is authorized to charge any fees associated with this or any other communication, or credit any overpayment, to Deposit Account No. 50-1170.

Respectfully submitted,



Mary E. Eberle  
Registration No. 43,599

Dated: October 22, 2002

BOYLE FREDRICKSON NEWHOLM  
STEIN & GRATZ S.C.  
250 Plaza, Suite 1030  
250 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 225-9755  
Facsimile: (414) 225-9753

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amended Claims

4. (Amended) A method of claim 3, wherein the ~~ruminant is fed~~ strain comprises strain P169.

7. (Amended) A method of claim ~~7~~6, wherein the ruminant is fed the microorganisms such that the amount of microorganism delivered to the ruminant is about  $6 \times 10^{11}$  CFU/animal/day.